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THOUGHTS FOR THE TIMES.

BY

JOEL PRENTISS BISHOP.

BOSTON:
LITTLE, BROWN AND COMPANY.
1863.

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INTRODUCTORY NOTE.

THESE sheets are what may be deemed a reconnoissance, to use a military term, of the public mind in respect to some matters connected with the present war.

I come before the public as one speaking from a dumb mouth, that, according to the heretofore popular idea, has no right to speak. I never used the breath of speech to promote an election, unless I might except an unimportant boyish instance which occurred many years ago; I was never in office; was never voted for by any single man; I never offered myself as a candidate to become a candidate for the public vote; was never a candidate; was never a member of a political party,— How, then, can I properly say any thing on public affairs?

In the first chapter of this pamphlet I mean to show, that the troubles of this country grow, at least in part, out of its politics; the politicians mend not, but they mar; therefore, perhaps a word from a man who is not a politician may be, though not asked for by the community, not unacceptable; at all events, not unadapted to the public needs.

The brevity with which I write, compels me to omit notes, and citations of authorities, from which the truth of my propositions might be made more fully to appear. This pamphlet is addressed to men who think, and to men who know. If there are those among us who need to be educated into the truth of the law as already adjudged by the courts, and as acted upon by the other departments of our government, and into the truth of the history of our country's present troubles, this pamphlet is not for them. It is intended simply to furnish hints for the thoughtful, in matters pertaining to the law of the subject; and thoughts for the informed, in matters pertaining to its history and (if the expression may convey my idea) to its politics.

My desire is only for the public good; I voted neither for nor against the present incumbent of the presidential chair; I care not who, so far as concerns individual aspirations and party names, shall be his successor; or who shall fill any of the various offices in Nation and State, provided only that I may be myself excused.

J. P. B.

Boston, May 20, 1863.

THOUGHTS FOR THE TIMES.

CHAPTER I.

WHENCE CAME THIS WAR?

The answer to this question has varied according as the person to whom it is addressed, happens to be impressed with one cause or with another; or happens to be in the mood of telling what he deems to be the exact truth, or in the mood of electioneering for his party.

In human affairs there is, perhaps, no such thing as a one and sole cause producing a particular result; or, if in a given case there is, inquiry will show, that the cause itself was the result of an antecedent cause, whence the second result is nearly as distinctly traceable to the first cause as to the second.

Had there been no wickedness in the land, there had been no war. Had this wickedness not developed itself in political lying, there had been no war.

Had there been no ignorance in the land, there had been no war. Had not the ignorance of the people, especially the people of the South, been

taken advantage of by self-seeking politicians, there had been no war.

Had freedom of speech and the press prevailed over the whole country, or had it prevailed at the South as generally as at the North, there had been no war. Had not the politicians of the land availed themselves, for selfish purposes, of the existing state of things in this respect, to put down, or attempt to put down, their several opponents by falsehood, there had been no war.

Had there been no slavery at the South, there had been no war. Had not the politicians of the land availed themselves of the slavery question to promote their personal or party ends, there had been no war.

Had not slavery stood in the way of free speech and a free press, there had been no war. Had not southern politicians, in conjunction with northern political allies, availed themselves of the existing state of things in this respect, to pervert the understandings of the simple-minded and uninformed at the South, and to fill their ears with falsehoods against classes of people at the North, there had been no war.

Let us, however, consider whether there is not another way to answer the question with which this chapter opened. Wickedness, ignorance, and a disposition to domineer by suppressing free discussion, and the like, are necessarily attendant on the human state below. But civil war is not necessarily attendant on a republic; therefore, when we look for what may appropriately be termed the cause

of this war, we must look for something besides these, for something which may be remedied, for something not necessarily attendant on human affairs. It must be assumed, at the outset of the inquiry, that the nation is composed of men, that, therefore, it is not composed of mere abstractions, or fancies swimming in politicians' brains. If there had been no men in our country, there had been no war; yet we do not say that the cause of the war is the existence of men on our soil. We assume that there are men here; that the men are made of human, not of angelic, stuff; and, this premised, we ask, What is the cause of the war?

One man answers, — "The cause of the war is slavery." But there are among us those who will not allow this answer to be good; because, they say, that the relation of master and slave is the relation which, while men are men, must subsist between Anglo-Saxons and negroes dwelling in one country. Therefore they say, that to set down slavery as the cause is the same as, in general terms, to set down human nature as the cause. And if the fact be as assumed, the reasoning thus based upon it is correct. But those who look to fact to know what is fact, instead of consulting theories and assuming the fact to be what their theories make it, know, that white men and black men can and do live together in one country without either race being held in slavery by the other. These men also say, that the southern stirrers-up of the rebellion merely used the slavery matter as the occasion, not as the cause, of their proceeding; that slavery was

but the instrument employed, which instrument did not organize its own motions. In other words, the rebellion, according to them, sprang from the selfishness of its leaders, who used the slavery question merely as the false pretence. Yet, as to this second proposition, it is only the old one, that the rebellion came because men are wicked; while we are inquiring, from what cause, independent of human wickedness, it proceeded.

Now, it is true that the leaders of the rebellion gave to their dupes lying reasons for getting it up, and for proceeding in it. For example, they said, and indeed this is the great thing they said, that the party which appeared to be becoming dominant at the North, meant to interfere unlawfully with the institution of slavery at the South; so, to prevent this, it was necessary to rebel. Yet they never believed the assertion; for, as we all know, when the rebel commissioners visited England, to get English acknowledgment, they represented to the British government that the South had no fear of northern aggressions in this matter, which had nearly nothing to do with its rebelling; and that the main reason was, a desire in the South for free trade, which desire was opposed by the North. To be sure the southern dupes set down this representation as a nice diplomatic lie, for which their commissioners ought to be honored at home; but, as the commissioners spoke from authority, their words must be received as a true echo of the real views of the rebel leaders, provided those leaders are to be taken as honest.

Yet when South Carolina seceded, and led the way

for the rest, she based all her complaints on the slavery ground; she gave out that reason to the world, and she gave no other. And no other reason was ever given, in any prominent way, within the borders of any one seceded State. Therefore the leaders are not to be taken as honest.

The conclusion is, that the thing which dishonest men successfully used at the South as the wedge with which to split open the Union is the cause of the war. We all know what that is, there is no dispute as to what it is, the people of the South, the people of the North, the Republicans, the Democrats, the everybody, at home and abroad, agree here; it is slavery.

When the war began, it found, neither in the President of the United States, nor in any prominent member of his government; neither, also, in any great bodies of the people of the North, nor in any successful managers of any political party; a disposition to disturb the institution of southern slavery, or even to do or suffer to be done what mere military necessity required in this matter. And it sorely puzzled lookers on abroad to understand, how there could be a war in which the issue of slavery was involved, while the two contending powers vied with each other in efforts to sustain the institution.

But it is believed that a single statement of a proposition resting in fact will sufficiently explain this apparent paradox; namely, — slavery, like the tongue of the rebel government, works as well by falsehood as by truth; and, as it brought about the rebellion by falsehood, it could, of course, set its

dupes on the one side to fighting in favor of the common friend of both combatants; while, of course, also, they of the other side, instead of joining issue upon the real contest, would endeavor to serve the common friend at the same time that they repelled the assailant. For illustration: a married woman, having a lover outside the marriage bond, falsely accuses this lover to her husband; saying, — "O my husband, the villain means to take away my life." Thereupon the husband falls upon the lover with blows; but the lover, of course, is as anxious as the other not to do violence to the "cause of the war."

Let us see, therefore, how slavery has brought about this war. At the time when our present Constitution was formed, there was no slave territory belonging to the United States; there were no slaves held under the dominion of the general government; the United States was not a slaveholding nation, it had no complicity with the system, though there were within the nation slaveholding States. But when the Constitution came to be formed, slavery presented herself and said, — "I am not content with my lot as queen of States, I must be made also queen of the Nation." So it was agreed, for so slavery demanded, that, in some particulars, she should be put under the national protection. If it be true, as affirmed by many, that a fugitive slave law made by congress can be constitutional, we shall find an instance of this taking of slavery into the General Government's bosom in what is called the fugitive slave clause of the Constitution; we find some other instances of this in that instrument; but let us look still further.

If slavery had been content to remain as she was, queen of States merely, the result would have been, that each State would have been left free to manage its own domestic concerns in its own way. Instead of this we see, that, while the slaveholding States exercise, under the Constitution, the right to manage their own domestic affairs in their own way, this right is not permitted to the non-slaveholding States. For example, when a negro goes from Massachusetts to South Carolina (I am speaking of the matter as it used to be in time of peace), South Carolina takes the negro, shuts him up in jail, makes a slave of him, or does any thing else with him that she chooses. But if a negro comes from South Carolina to Massachusetts, to better his condition by the change, Massachusetts is forbidden by the Constitution which slavery made, to manage her domestic affair of freedom or bondage in her own way; she must hold the negro to be, on Massachusetts soil, a slave, liable to be hand-cuffed on her soil, and sent back to the place and condition whence he escaped. Is the negro property? That is a question of domestic institution which slavery says, and made the Constitution say, South Carolina may manage in her own way, and Massachusetts must manage in South Carolina's way, not in her own.

Well, then, the negro is property (is he?); so Massachusetts cannot recognize him as a man, but must give back the "property" to South Carolina. Now comes an election for members of congress, — How many members may Massachusetts send? How many may South Carolina? We first count

the Massachusetts men; but there is a great deal of "property" in Massachusetts, — Shall we count it? No. Property does not enter into the basis of representation. We next count the South Carolina men, — yes, but in South Carolina we count the "property" also, and we find more property here than men; and five pieces of property count the same as three men. In other words, the negro slave, when he is in South Carolina, in a position to give power to this slaveholding State, is three fifths man; when he comes to Massachusetts, a free State, his power still adheres to South Carolina, so now he is all property. Slavery said it must be so; therefore it was, therefore it is.

Property in Massachusetts sometimes becomes unmanageable. Must not South Carolina come, if Massachusetts asks, and help manage it? No; slavery never said that, she did not put that into the Constitution. Suppose "property" in South Carolina becomes unmanageable; why, in such a case, if South Carolina asks, Massachusetts must go and help manage the property. The "domestic violence" must be put down; so slavery said, therefore it was, therefore it is.

Had each State been left free, by the Constitution, to manage her own domestic affairs in her own way, there had been no war. But because the slavery-keeping South had granted to her in this instrument the right to interfere in part in the domestic institutions of the non-slaveholding North, the South has for a long time felt that the North was not sufficiently obedient, in matters where the duty to obey

was plain; but, even beyond this, the South, not seeing any good reason why she should not have more of this same power than the Constitution really gives her, as well as to have what it gives, has clamored for more, for more, always unsatisfied. She has claimed that more was to be found in the Constitution than is in fact there; then she has claimed that the Constitution should be amended so as to give her still more.

This is the old story; the world knows it by heart. Put a whip into a man's hand, and tell him that with this instrument he may rule, so far, but no further, over his fellows, and he is never satisfied. He will clamor for more power, until either he is beaten back, or he breaks down the barrier and takes full dominion.

Had slavery not put into the Constitution any right in the South to rule over the North, the southern mind had not itched for rule, and then there had been no war. But the right to rule in the domestic affairs of the North having been given to the South, forthwith each southern knight of the whip looks upon himself as a being superior to the northern man, as one divinely ordained to govern him; and, human nature being as it is, uneasiness must come in the ruler at every wince of the ruled; then must come the demand for fuller sway; then the yielding (for such is our history); then the fresh demand; then the yielding; till, at last, the ruled refusing to bend lower, comes war. This is the history, not only of our country, but of the world; thus human nature ever acts.

Now, it is said by some persons among us, and denied by others, that between the institutions of slavery and freedom there is an "irrepressible conflict;" and, therefore, one or the other must die out in the country, both cannot live together. If slavery had been content with her own, if she had never undertaken to control the general government, or to rule free States, there would have been, there could have been, no conflict between the free and slave States of our country. The free States, having never demanded and never received any right to control the slave States, have never sought to exercise such control. They have not claimed any such right under the Constitution, neither have they ever even suggested the idea of having the Constitution amended so as to give them such a right. Freedom has committed no aggressions on slavery, and has attempted none. But slavery has always been committing aggressions on freedom, and at last she has made war in demand of more.

We take human nature as we find it; we take facts as we find them. Was it a mere mistake that slavery demanded queenship under our Constitution, — queenship not only in her own married home, but a place, also, in her neighbors' beds, — or did this result come necessarily out of her nature? I do not mean to discuss this question. It has always been said, that, if freedom had refused the demand which slavery made for queenly place here, the Constitution could not have been adopted, this government could not have been formed, we should have broken to pieces in the attempt at its formation. So said

South Carolina when she seceded, so said everybody before, so has said everybody since. Still the fact may not be so, or it may. If it is so, proving by its existence slavery's unwillingness to live in connection with free States unless she can rule them, then is it shown that there is an "irrepressible conflict;" that slavery must die, or she will destroy freedom, or destroy the republic. Here, at least, in the power over free States given to slavery in the Constitution, was the original error; it is sufficient for me that I have found it.

Starting, then, with the formation of the Constitution, slavery has sought rule; and, step by step, has attained rule. She has tried to pervert the Constitution, she has tried to change the Constitution; at last, she is trying to destroy the Constitution, that she may have greater rule.

Notwithstanding what she gained in the outset, the country could have got on pretty well, if this her mistress had steadily adhered to the Constitution as originally adopted. But that she had no idea of doing. The love of power was too mighty, the taste of blood too sweet, to admit of pause.

There was never an aggressive despot who did not complain of his subjects as seeking to deprive him of his rights. So has slavery in this country done. She has been innocent, weak, imposed upon, — so she says, — not sufficiently respected in the free States, not duly worshipped. But the politicians she has always loved, and they have loved her. She has had votes to give; and he who, at the North, could tell the most shameless falsehoods

about his neighbors, charge them with the foulest tongue, and most blackly, with the purpose to stir up southern slaves to violence, or to interfere in some southern domestic matter, has got slavery's votes. And the southern politicians have learned of the northern, and they have won votes by a similar process. Thus matters went on; falsehood was heaped on falsehood; the press was muzzled; the mouth was gagged; till, in due time, the seekers after self in southern politics fooled and wheedled the masses of their people into a rebellion which will either succeed after immense suffering in all the southern country, or end in the destruction of slavery herself, — in the former case, the consequence to be the piling up of black heap upon black heap, until the heaps burst in a bloody servile insurrection, and the institution expires in the midst of still greater woes to the whites.

CHAPTER II.

LOYALTY TO THE "CAUSE OF THE WAR."

Perhaps nothing more clearly impresses a republican of these days with the vastness of the chasm which separates him from the royalists of the past, than to consider from what state of mind the fact arose, that a true royalist of old would cling to his dear sovereign, although the sovereign overreached his powers, debased himself by immoralities, and trampled upon the peace of his subjects.

Even so have we seen of late. When this war broke out, it came in a way which, so far as the seceded States are concerned, both absolved us from the duty of allegiance to our *quondam* ebon queen, and bound us also for her overthrow; yet we clung to the dear creature even more lovingly then than we had ever done before. We said, — "She shall not be hurt, this queen slavery shall rule still, we will continue to kneel to this dear, though she slay us yet will we worship and serve. Though she fights against us yet will we fight for her, and the more she exalts herself over us the more will we debase ourselves before her."

So we sent back the loyal blacks who came to us panting to enlist in our ranks, we screamed for white war-help and refused to take ebon, we did all we

could to attach the slaves to their masters and detach them from us. But this was not all. The moral part must bow as well as the physical. So we put forth the falsehood, that the Constitution bound us to this course; great lawyers proclaimed the falsehood; great divines poured it out in pious addresses; newspapers showed it in black line upon line; the Republican politicians vied with the Democratic in proclaiming it; there were even anti-slavery lecturers to swell the note through the country. O my God! the thought of this debasement is sickening!

Let us see how the matter truly stood.

In the first place, we were a nation, admitted regularly into the family of nations, bound therefore by the law of nations. Now, it is a principle of the law of nations, that, when a war breaks out, a contending belligerent shall strike at the cause of the war. The reason of this is plain; every war disturbs the family of nations, and, if a particular nation, drawn into a contest of arms, insists upon carrying it on in a way to leave the cause of the war unsubdued, the contest becomes one of mere butchery, the temporary disturbance to the peace of the world avails nothing for its permanent quiet, and the conflict itself is needlessly prolonged. This principle is seen illustrated in the very case now under consideration. Slavery stands as the cause of the present war. When the rebellion broke out, the slaves, the free negroes in the northern States, the fugitives who had taken refuge in our neighboring Canada, were all eager to come into the Union ranks and fight, could they there fight under the

banner of freedom. But our government repelled them; and now it must either fail to win, or win by this very means, after having spent uselessly immense treasures of gold and blood, and partially alienated those whose alliance was most of all needed for success. Meanwhile the suffering abroad has increased with the needless prolongation of the war; but, what is more, had the original plan of the war succeeded, the result could have been only a temporary peace, to be followed by greater war-woes to ourselves and to neutral nations in due time afterward.

If the course demanded by the law of nations had been found to be contrary to the letter of any clause of the Constitution of the United States, still the Constitution should have been interpreted to admit of this course; for, by the Constitution, we are a nation; by the Constitution, therefore, we are bound by the law of nations; so that a clause of the instrument contrary to the law of nations would be repugnant to the superior clauses of the same instrument which make us a nation; and, on a principle familiar to lawyers, void. This would be putting the matter in an extreme way; perhaps the case would, rather, stand in fact as the familiar one in which an expression general in its terms is controlled by an exception growing out of some universal principle of law. Thus, by the Constitution, a judge is impeachable for malfeasance in office; yet, should a judge in a fit of insanity go contrary to the law, he would be exempt from punishment, though the words of the Constitution contain no such qualification. The exception comes from a well-known

principle of law, which is found outside of that instrument.

But, in fact, so far from the Constitution, or any clause of it, being contrary to the law of nations in this respect, it operates, in this particular instance, directly with this law.

I do not intend to discuss this matter at length; if the reader will open his copy of the Constitution, — should he be destitute of one, let him go and buy one, — he will observe a clause which is operative both in peace and in war, out of which clause comes the plain result, that our government and our people are bound — were bound on the breaking out of the war — to proclaim liberty to the slaves in all the seceded States. They were not only permitted to do it, but bound to do it. The President and members of the Senate and House of Representatives who did not act in this direction violated (I mean not to speak offensively, but to state the exact truth of the law), by this neglect, their oaths of office, though, if we accept, as the writer is disposed to do, the doctrine held by the late President Jackson and some others, that the oath of office binds the party taking it to administer the office, not as the Constitution really demands, but *as he understands it*, more or less of them might plead in excuse their misapprehension of the law.

Yet if I intended, as I do not, that this pamphlet should contain a thorough discussion of this subject, I should see, at the outset, as I do now, one very great obstacle in the way of the success of my argument. The community has been long accustomed

to look at slavery as a thing quite above the Constitution of the United States. There are men who would be satisfied by no language which this instrument could possibly contain. Why should the servant dictate to his master? Why should the Constitution, that has been ruled by slavery, perverted by slavery, trampled on by slavery, and almost broken into pieces by slavery, be referred to as establishing any right against slavery? My reply is, that the instrument itself says, Art. VI., — "This Constitution, and the laws of the United States which shall be made in pursuance thereof, ... shall be the supreme law of the land; and the judges *in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.*" There is no difficulty in any man's perceiving, that, if a State law or State constitution forbids (as I think no one does) the return of a fugitive slave to his master, such provision in the local law of the State is void as being in conflict with the Constitution of the United States. This is a matter in favor of slavery. But it takes a man of clear head and few political prejudices to see, that, when a clause of the Constitution of the United States bears against slavery, it can have any validity whatever. The long habit of our people, of always seeing the Constitution operate practically in one direction, prevents their perceiving the possibility of its ever operating in the opposite direction.

Perhaps a fable may help illustrate this thought. There was a boy fond of catching mice in a trap. The trap was of wire, with a particular entrance of

well-known form, so made, that, when the mouse got in, the wires which had furnished him foothold for entering, guarded and stopped the exit with sharpened points. There was a very old mouse that the boy had caught every night since his papa gave him the trap, and let go in the morning. But the way the boy let the mouse go was, not to take him out at the door; no; but to remove the bottom, and let the creature drop. At last, the boy one morning, in a pet, opened the door, and told the mouse to go out there, and be free; for, as to the bottom, he meant to occupy that himself. "Ah!" said the mouse, "I shall break the constitution of this cage if I attempt to go out at a side opening; it was built for in-going mice; there is no out-going here except toward hell."

So much for the habit of the mouse; the habits of our loyal men are as inveterate.

Now, it would be asking too much of the reader, who, during the last thirty years and more, has floated in the stream of things in this country, pleased with its flow, to require that he, as the condition on which he is permitted to see the correctness of the conclusions whereto I would lead him, should admit the possibility of the authority of the Constitution of the United States being superior to the authority of the leaders of a rebellion against the Constitution in a particular State, if found to be in conflict with the behests of slavery. Is not the Constitution the flail, and is not slavery the arm that wields it? Shall the flail give law to the arm?

Yet among the readers of this pamphlet, it is possible some one may be found ready to admit that the Constitution is to be taken as the supreme law of the land, controlling State laws and State constitutions, as well when it speaks against, as when it speaks for, slavery. Let me first address myself to such a reader.

Turn to Art. IV. § 4, of the Constitution, and you find this provision: "*The United States shall guarantee to every State in this Union a republican form of government;* and shall protect each of them against invasion, and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence." It is the former clause, here printed in italics, which settles the matter now before us.

Let us suppose (for I wish to keep questions distinct), that South Carolina, when she seceded, had, instead of waiting to join the then future Jeff. Davis Confederacy, established at once a kingly government in place of what she terms her republican forms: it would then have been the duty of the United States to execute the guaranty; namely, give her a republican government. But how was this to be done? A republican government implies the voluntary suffrage of free people. That is not a republican government in which voters are forced to the polls at the point of the bayonet.

Says one: "Send an army, and subdue the rebellion." Very well; but this does not make willing voters. If there were no willing voters found, then this clause of the Constitution would fail through

the impossibility of its execution. The supreme law which sits above all the affairs of men on earth, ruling nations, ruling constitutions, ruling statute laws, ruling the unwritten law, ruling every thing, is Necessity; all must bow before this master. But between necessity and a dogged "I wont," there is a vast difference.

In the case supposed, the white men of South Carolina had refused to carry on a "republican form of government;" but the blacks had not. The blacks of South Carolina who are now within our lines, are as loyal to the government of the United States as any persons within our territorial limits; but the whites are not. The Constitution, therefore, lays its power upon what it terms "The United States;" namely, upon the President, upon the senators, upon the representatives in the lower House of Congress, upon the men of the army, of the navy, upon all of us, and says: "Fulfil your 'guaranty;' give to South Carolina 'a republican form of government;' release the loyal blacks; put weapons in their hands; put ballots in their hands; the whites have refused, take the blacks." And he who has sworn to support the Constitution, yet does not do his part to accomplish this object, violates his oath.

But I am reminded, that the case I put, is not exactly in form the case which occurred. I assumed, that South Carolina, after seceding, set up a king. Does the fact that she did not set up a king change the result? I am ashamed to press this question; for it is too plain in itself properly to admit of query, much less of argument. The United States guaranties to

South Carolina, in the Constitution; first, a "government;" secondly, one "republican in form." Art. I. § 10, provides, that the government shall be one which does not "enter into any . . . . confederation." Art. VI. provides, that the officers of the government shall be bound by oath or affirmation, to support the United States Constitution; and other clauses still further show, that the government must be one within the Union established by the Constitution. All written instruments are to be interpreted by comparing part with part; and our Constitution is no exception to this rule. But for this rule, if we were to look at the one clause alone, and not at the whole instrument, the provision we are considering would require the United States, even in ordinary times of peace, and as a question separate from that of secession and rebellion, to abolish the institution of slavery in the States; for, as a mere naked question, considered without reference to the whole instrument, or its surrounding facts, a government in which half the people are slaves, and half of the remaining half are disfranchised because they are poor, is aristocratical, not "republican." If, therefore, we must in ordinary times look at the whole instrument to ascertain the meaning of the words "republican form of government," in order to relieve the United States from the duty, coupled with the power, to abolish slavery in the States, equally must we look at the whole instrument in times like these, though we find it pointing to the opposite result.

Perhaps no man would hesitate to come to the conclusion to which this argument conducts, did he

not see in the way the obstacle of opposing *State laws;* but I am now addressing those men who understand (assuming there are such men), that no State law can present itself and say, — "My name is Obstacle, the Constitution of the United States must bow before me."

Having now stated the case sufficiently to satisfy those readers, or the reader, who can see that the Constitution is supreme, as well where it operates against slavery, as where it operates in its favor, I proceed with a few words for the other class.

There are some men, though the number at the North I think is not large, who believe that no power on earth can lawfully abolish slavery. According to them, it cannot be done by the United States; it cannot be done by the States; and, since God cannot sin, it cannot be done by the Supreme Being. This residuum of salt in the cup of our humanity, I do not propose to touch. I am now dealing with those who admit that it is in the power of the States to abolish slavery within their respective limits.

Now, under our national Constitution, there are two ways in which a State can proceed to abolish slavery within its limits. One way is, by the ordinary course of legislation, either with or without an alteration of the State Constitution: the other way is, for the free people of the State to refuse to carry on "a republican form of government," within the meaning of the Constitution of the United States; that is, to secede; and so compel "the United States" to step in and execute its "guaranty" by

putting arms and ballots into the hands of the loyal blacks. Several of our more northern States abolished slavery many years ago in the former way; several of our more southern States have of late abolished slavery in the latter way. In both cases, the act of abolition binds all persons within the State, those who did not vote for the measure, as well as those who did. It was hard for the lovers of the institution in the more northern States to give up their slaves merely because a majority of the people of a State did not like slavery; so, in our more southern States, it is hard for true Union men to lose their slaves because the majority of the freemen chose to set up the institution on the gambling-board of secession. The States did what they thought proper to compensate the sufferers in the one case; congress will do what she thinks proper to compensate the sufferers in the other case.

There are many collateral questions connected with this argument, but I do not choose to discuss them now. Suffice it to say here, that both the Supreme Court of the United States, and the legislative and executive departments of our government, have alike settled every one of these questions, and, indeed, every question essential to the argument, in harmony with the argument itself. God, who took this nation from its small beginnings, who filled the sails of the Mayflower with just the right breezes and just enough, who has watched over us in our errings as well as in our obedience; and who, as I believe, means to see fulfilled the decree which He has written on our streams, on our hilly ranges, on

our valleys, and on our ocean-strands, that we shall remain forever one people, — took care, before this secession culminated, to draw out upon the printed page from the brains of the slavery-worshipping judges who have, for the most part, swayed our jurisprudence, such decisions, and such enunciations of doctrine, as well as from the other slavery-worshipping departments of the government, such legislative and other like precedents, as should leave our nation no alternative but to execute the law which shall stop the war and make us one, or to acknowledge before a hissing world, that our love of negro blood is more powerful than our love of freedom and of law. Let me repeat: the law I am here discussing is no novelty; in its constituent principles it was settled before this war broke out, by the Supreme Court of the United States, and by congress.

Fellow-countrymen! Americans! You may continue in the attempt to put down, by the clamor of false assertion, the truth of the law in this matter, if you will; but you will find that more and more bitter will be the morsel to the end. Yet let me hope, that most who joined in the falsehood knew not it was a falsehood they were uttering. We in this country talk of our Constitution, but we do not read it. When the Constitution shall be as much read as it is now talked about and written about by those who never read it, a happier day will dawn upon our country.

CHAPTER III.

THE USES OF OBEDIENCE TO THE LAW.

The question has agitated evil minds and weak minds during all ages of the world, — "What profit is there in obedience?" It has seemed strange to men of short vision and of perverted vision, that from out the Volume of Inspiration, from out the spaces through which sing the wheeling worlds above us, from out the teeming ground beneath, from out air and cloud and azure sky, there should come the one unvarying voice, — "Obey the law."

There is not space in these pages to enter upon a philosophical disquisition of this matter; what I shall here attempt will be simply to set down some views connected with the discussions of the last chapter, and with the conduct of the war generally.

When the rebellion broke out, during the administration of the late President Buchanan, the loyal part of the country was well united on one proposition; namely, that it would be unwise to enforce the laws against the actors in the rebellion; better far, said almost all the people, would it be to let them pursue their evil course undisturbed, while we attempt to buy them off by offering what were termed amendments to the constitution, securing to them greater power, and to the loyal country which

they had theretofore ruled, more abject submission. Had this plan succeeded, a temporary peace would indeed have intervened between the then present, and the more terrible future. But as it did not succeed, as it could not succeed, — for the rebels dreamed of more power to be gained by the course they were pursuing than the majority of our people could possibly be brought to yield voluntarily to them, — the remembrance of those days has left with it the thought, that, had the laws been obeyed by our government and the loyal people then, and the young treason smothered in its birth, the nation had been spared this war. Whence we may learn, that the sound law of the land may sometimes be better than the rotten *policy* of weak men, though the policy does happen to be approved by the majority of the people.

When the present administration came into power, with a war already upon its hands (for the beginning of the war was before the attack on Fort Sumter), it took up this matter of "policy" where the old administration laid it down. Therefore, from the first to the last, under the Democratic rule, and under the Republican rule, we hear of little except policy, strategy, and things of this sort.

Yet, at each step, as we look back upon the failures of the past, we see that, had we followed less after our notions of policy, and more after the law, we should have done better. It may be too early now, yet it is almost time, to have it understood, that, if, at the commencement of this war, reckoning the date now as far down as the attack on Fort

Sumter, the administration had announced its intention to adhere to the law, giving to the slaves the freedom which the act of secession demanded should be given, under the Constitution of the United States, and the loyal country had adhered to the government in this course, the rebels, to prevent this consequence, would then have laid down their arms, and accepted for their institution of slavery that protection which they had always enjoyed, and which they knew they always might enjoy. The leaders could have made their dupes at home believe, that this assurance of protection was the glorious result of the rebellion, which had thereby accomplished its object, so have kept their prestige and their power. But this was not to be, for God had decreed a different end for these troubles.

Well, we went on driving the slaves from us, instead of receiving and arming them as we were bound to do; till, after weakening and almost destroying their amity toward us and our cause, we have come, at this late day, to the conclusion which was just as easily arrived at in the beginning of the war, that we cannot succeed without their help, and therefore we must accept and arm all we can *in those parts of rebeldom which we cannot get at.* Here, policy approaches toward law, therefore is partly right. But, if it is politic to take this course now, was it politic to wait so long?

Then, in our relations abroad, how much embarrassment should we have saved, not to speak of our good name, had we obeyed the law at first! I speak not of how much suffering we should have saved to

the poor operatives abroad; because, with us, the idea of benevolence to the poor assumes so exclusively the form of benevolence to the poor blacks, to whom the blessings of slavery must be continued even at the expense of white woes, that I fear this part of my argument would operate rather against, than in favor of, the conclusion to which I would conduct the reader.

Yet there are men who still think it is not politic for us to walk even so near the law as we do. They have various propositions by which they settle this matter. Let us look at some of them; they are married, — these propositions are, — so let us view them in pairs.

1. *Male Proposition.* — The negroes must be kept in slavery, else they will kill their masters.

Female Proposition. — The negroes are such subdued, soft, and loving people toward their masters, that they can never be induced to fight against them.

2. *Male Proposition.* — The negroes are so brutal that, if we enlist them into our service, we can never restrain them within the limits of civilized warfare.

Female Proposition. — The negroes are such tender-hearted creatures, that they cannot even be induced to shoot a gun at a mark, much less to point it toward a white human being.

3. *Male Proposition.* — Oh, the horrors of St. Domingo! where the negroes, in pursuit of their freedom, whipped their masters and all France besides!

Female Proposition. — A negro slave will not even accept of freedom, much less will fight for it.

4. *Male Proposition.* — We cannot get access to the negroes, therefore we should not offer to arm them.

Female Proposition. — We should not take the negroes whom we can get access to, this would be unfair toward loyal citizens in rebeldom.

5. *Male Proposition.* — If we must take the negroes, let us not pay them with the true pay of a soldier, freedom; but send them back, after they have served us, to the blessings of slavery; at all events, let us send their wives, children, and kindred back.

Female Proposition. — The negroes are ungrateful wretches; for they are just as ready to fight for their masters, as for us their friends.

6. *Male Proposition.* — The early history of this war has shown, that, when the negroes can gain nothing by rising against their masters, but every thing by keeping quiet, they will not rise; therefore they are too stupid to be of service to us.

Female Proposition. — The negroes were too bright to disobey the President's proclamation, which, in effect, required them, if they would receive its benefits, to remain quietly at home; therefore they were not patriotic, they should have risen against their masters, therefore they will be useless on the loyal side.

7. *Male Proposition.* — It is not right to let the blacks fight for us; because, if we do, it will be our fighting for their liberty, and our boys have great objections against fighting for niggers.

Female Proposition. — It would be unseemly for us to accept peace to our country at the hands of negro slaves.

I do not propose to discuss these propositions, so

I pass on. It is hard to argue against policy, because policy means the *quantum*, more or less, of wisdom, which the skull of the politic man may chance to contain; therefore, though I may convince a third person that the politic man is wrong, I cannot convince him; his skull is full; it can hold nothing more.

The number of whites in rebeldom intense, or the original seven seceding States, is not greatly in excess of the number of blacks; in South Carolina, also in Mississippi, there were, at the breaking out of the war, more enslaved negroes than free whites. In the four States that followed these seven, there were much nearer two than three times as many whites as blacks. It is something, then, — so, at least, it will seem to men who are not politic after the negro-hate fashion, — to have one half, or even one third, of the people on the loyal side, instead of having them practically on the side of the disloyal, though their color may not just suit us, and though it does suit us to despise and slander them.

Who are our negro slaves? They are men and women, who, during all their lives, have enjoyed the blessings of what we are assured by the highest authority in our land, is one of the most beneficent institutions on earth; namely, American slavery. Their ancestors were indeed barbarians; so were ours. They were not born in a land of heathenism, of barbarism; they were not educated by low and degraded parents; on the other hand, each one of them was born on American soil, and, what is more, whatever might have been the color or standing of

his mother or his father, was born into the hands, into the power, completely in all respects within the control, of some chivalric white gentlemen of our own race and blood, by whom he has been reared as this white gentleman, not as some negro, thought fit to direct. Moreover, many of them bear the best and purest white-gentlemen blood of the country in their veins; and these all were born of just the mothers whom, in preference to all others, the white-gentlemen fathers selected.

This last is an immense point in favor of the negroes. A peer of England, after fixing his eye upon a maiden, and feeling in his soul that unless she becomes the mother of his children, the lordly race will run low, may be rebuffed by those cold and terrible words, "I do not love you," and so the progeny suffer. But not so with the American peer of the lash. In our more blissful South, the "course of true love," when it follows an ebon maiden, can never thus be turned back. There the progeny does not suffer.

And though the slave child may not have a white father according to blood, he has always one, as already intimated, according to law. By the laws of all the States, where slavery exists, there is no slave father, there is no slave mother, with the rights and duties of father and mother; but the law of this most beneficent institution, out of tender regard to the interest of the children, places them in all respects, under the control, under the education, under the tender and considerate care, of white gentlemen and their white wives. Moreover, the white gentlemen

into whose hands the slave-babies fall, are not the "poor white trash" of the slave States; they are the wealthy, the refined, the first gentlemen of the States.

Such are the slaves, such is their education under the beneficent institution. There can be no baser slander than to call them barbarians. Born in a Christian land, falling at birth into the hands of Christian gentlemen, reared up by them under the fostering care of one of the most beneficent institutions on earth, — call them barbarians! Say it would be an outrage in civilized warfare to set them in battle against the "white trash," or even the lordly peers of the lash, of the South! No! if they are not of the first order of society there, they are of the second; else slavery is not, in truth, the beneficent institution we are assured it is.

I can only close this tract in the words of a book which by Protestants is called apocryphal; yet, whatever may be its merits as matter of canonical authority, it speaks here what may well be a lesson to us. 2 Macc. 3: 1, 2. "Now when the holy city was inhabited with all peace, and *the laws were kept very well*, because of the godliness of Onias the high-priest, and his hatred of wickedness, it came to pass that even the kings themselves did honor the place, and magnify the temple with their best gifts."

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